

an indicator for indicating whether said cover has ever been opened or removed from said cartridge body, said indicator comprises a detachable claw engaging said cartridge such that detaching said claw from said cartridge enables a user to unlatch a latch of said cartridge and thereby open or remove said cover from said cartridge body; and  
a detector which determines the presence or absence of said detachable claw.

## **REMARKS**

### **I. Introduction**

In response to the pending Office Action, Applicants have amended claims 6-9 so as to address the rejection of the same under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner is correct in that the originally claimed "electrical detecting device" and "detector" are the same devices. Each of the claims has been amended to delete reference to the "electrical detecting device" thereby eliminating the ambiguity noted by the Examiner. It is respectfully submitted that the foregoing amendment overcomes the pending rejection of claims 6-9 under 35 U.S.C. § 112, second paragraph.

With regard to submission of the original letters patent, Applicants submit herewith a statement which states that the original letters patent was surrendered on February 6, 2001 in Reissue Application Serial No. 09/558,462. Accordingly, while the original letters patent is not lost, Applicants do not have the patent to submit in the instant reissue application. As such, it is respectfully submitted that the signed statement by the Applicants' indicating that the original letters patent has already been submitted to the USPTO should fulfill the requirement set forth in 37 C.F.R. § 1.178.

In addition, Applicants submit herewith a Supplemental Declaration in accordance with the requirements of 37 C.F.R. § 1.175(b)(1), which corrects the deficiencies of the original declaration noted in the Office Action.

Finally, Applicants also submit herewith a terminal disclaimer so as to overcome the pending double patenting rejection.

**II. Status Of The Claims**

Claims 6-14 remain pending in this application after entry of the foregoing amendment.

**III. The Supplemental Reissue Declaration Overcomes The Rejection To The Original Declaration**

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In paragraphs 3 and 4 of the Office Action, the reissue oath filed along with the reissue application was objected to as being defective for failing to describe an actual error in the patent. Applicants submit herewith a Supplemental Declaration which identifies the errors in more detail. In particular, Applicants direct the Examiner's attention to ¶ 5 of the Supplemental Declaration. Applicants respectfully submit that the Supplemental Declaration overcomes the Examiner's objection to the Declaration.

Accordingly, Applicants respectfully submit that the rejection of claims as being based on a defective Declaration is also overcome.

**IV. The Rejection Of The Claims Under 35 U.S.C. § 112**

Claims 6-9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the invention. In particular, the claims

recited both an "electrical detecting device" and a "detector", and it was questioned whether to two recited element were the same device.

In response, each of the foregoing claims has been amended to delete the reference to the "electrical detecting device" such that each claim only recites a "detector". In the original claims, it was recited that the "indicator" functioned to provide an indication to an "electrical detecting device" regarding whether or not the cover had ever been removed. However, the original claim did not require that the "electrical detecting device" be part of the claimed signal recording apparatus. As amended, it is clear that the detector, which determines the presence or absence of the indicator, is part of the claimed signal recording apparatus. Specifically, each of the claims has been amended to recite that the detector determines the presence or absence of the detachable claw, and that the detector is part of the signal recording apparatus. Support for the amendments to the claims can be found, for example, on col. 4, lines 48-54 of the specification.

For all of the foregoing reasons, it is respectfully submitted that the pending rejection under 35 U.S.C. § 112, second paragraph, has been overcome.

**V. The Rejection Of The Claims Based On Double Patenting**

Claims 6-14 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 6-15 of USP No. RE37,659.

In response to this rejection, Applicants submit herewith a terminal disclaimer so as to overcome the pending rejection. In view of the filing of the terminal disclaimer, it is respectfully submitted that the foregoing rejection has been overcome.

**VI. Summary**

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Dated: \_\_\_\_\_

3/4/03

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